

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SAUL CHILL and SYLVIA CHILL, for
the use and benefit of the CALAMOS
GROWTH FUND,

Plaintiffs,

v.

CALAMOS ADVISORS LLC,

Defendant.

Case No. 15-cv-01014 (ER)

NOTICE OF STIPULATION

WHEREAS, on October 3, 2018, the Court issued its ruling on Defendant's motion for summary judgment in the above captioned matter (Dkt. 169) in which the Court granted the motion in part and denied it in part; and

WHEREAS, the Court held a bench trial from November 19, 2018 through November 30, 2018; and

WHEREAS, on October 9, 2019, the Court issued its post-trial ruling (Dkt. 235) in which the Court dismissed Plaintiffs' claims in their entirety; and

WHEREAS, pursuant to Federal Rule of Civil Procedure 54(d), Defendant, as the prevailing party, would be entitled to file a bill of costs to recover taxable costs on or before October 30, 2019; and

WHEREAS, pursuant to 28 U.S.C. § 1291, Plaintiffs have the right to appeal from both the summary judgment and post-trial rulings by filing a notice of appeal on or before October 30, 2019;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendant, through their counsel of record, that (i) Plaintiffs shall not file

any appeal from either the Court's summary judgment or post-trial rulings, and (ii) Defendant shall not file any bill of costs.

Dated: New York, New York
October 25, 2019

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